

REMARKS

Withdrawal of the restriction requirement is respectfully requested. Applicants traverse the restriction requirement because the restriction requirement does not meet the requirements of 35 U.S.C. § 121 and search and examination of the entire application would not be a serious burden on the Examiner.

The Examiner has identified two sets of claims, claims 16-20 (Group 1) and claims 1-15 and 21 (Group 2), in the restriction requirement. Both sets of claims are not independent and distinct from each other as required by 35 U.S.C. § 121.

The Examiner states that the two groups of claims are distinct from each other, because the device as claimed (Group 1) can be made by another materially different process than that claimed in Group 2. More specifically, the Examiner states, "the device... can be made without exposing the device to an energy source." Applicants disagree. Independent claim 16 of Group 2 states, "the semiconductor electrode being made electrically active from the heat provided by the energy absorbing layer." In order for the energy absorbing layer to provide heat the device needs to be exposed to an energy source. Therefore, the Examiner's example is not a materially different process and the Examiner has failed to show how the product as claimed can be made by a materially different process or how the process as claimed can be used to make a materially different product.

In addition, the search and examination of all claims would not be a serious burden on the Examiner. A search of the process claims would involve searching for a device exposed to an energy absorbing layer. The Examiner will inherently search the subject matter included within the device claims when he or she searches the method claims. Accordingly, examination of all the claims is not a serious search burden on the Examiner. Therefore, the Examiner must examine the entire application on the merits even if it includes claims to independent and distinct inventions. M.P.E.P. § 803.

If the restriction requirement is not withdrawn, Applicants elect to prosecute the invention of claims 1-15 and 21 (Group 2). Please contact the Applicants' practitioner below if there are any issues regarding this communication or the current Application.

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Respectfully submitted,

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MESSAGE:

Enclosed herewith, please find a RESPONSE TO RESTRICTION REQUIREMENT for filing in the below-identified application. If Applicant has overlooked any fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit 502117.

ALL ITEMS MARKED WITH AN "X" ARE INCLUDED:

1.	x	1 page Facsimile Cover Sheet
2.	x	3 page Response to Restriction Requirement

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**I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE:**

ON: 4/10/03
Date

Elaine Cox
Signature

PLEASE GIVE THESE PAPERS TO:

EXAMINER: Edward J. Wojciechowicz
GROUP ART UNIT: 2815
SERIAL NO.: 10/085,889
FILED: FEBRUARY 28, 2002
INVENTOR: MICHAEL J. RENDON